

## REMARKS/ARGUMENTS

The Office Action dated July 6, 2009 has been reviewed and carefully considered. Claims 1-32 and 34 are pending. Reconsideration of the above-identified application in light of the amendments and remarks is respectfully requested.

Claim 33 stands objected to under 37 CFR 1.75 as being a substantial duplicate of claim 31. In response, claim 33 has been cancelled.

Claims 20-34 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter and as not falling within one of the four statutory categories of invention. In particular, that claims 20-34 are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. Applicants respectfully disagree.

Nevertheless, claim 20 has been amended to recite *A handwriting recognition method using a recognition system having a three-dimensional (3D) motion detection sensor and recognition device*, the method comprising the steps of: generating 3D motion data in response to a 3D motion, *using the three-dimensional (3D) motion detection sensor*, wherein the 3D motion is touch less with regard to a physical medium; and deriving corresponding two-dimensional (2D) images for handwriting recognition based on the 3D motion data, *using the recognition device*. The use of *using a recognition system having a three-dimensional (3D) motion detection sensor and recognition device* in the claimed invention complies with the patentability

requirement noted in page 3 of the Office Action: “(2) transform underlying subject matter (such as an article or material) to a different state or thing.” Further, the use of the *using a recognition system having a three-dimensional (3D) motion detection sensor and recognition device* in the present invention is analogous to the facts in Abele, 684F.2d, 214 USPQ in which a claim was held patent-eligible for the following reasons:

“[W]e held one of *Abele’s* dependent claims to be drawn to patent-eligible subject matter where it specified that ‘said data is X-ray attenuation data produced in a two dimensional field by a computed tomography scanner.’ *Abele*, 684 F.2d at 908-09. This data clearly represented physical and tangible objects, namely the structure of bones, organs, and other body tissues. Thus the transformation of that raw data into a particular visual depiction of a physical object on a display was sufficient to render that more narrowly-claimed process patent-eligible.”

Accordingly, applicants submit that claims 20-34 meet the requirements of 35 U.S.C. §101 as being within one of the four statutory categories of invention, and request that the rejection under 35 U.S.C. §101 be withdrawn.

In the Office Action, claims 1-34 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Stork et al. (USP 6,212,296). Applicants respectfully disagree. However in the interest of furthering prosecution of the present application, independent claims 1, 16 and 20 have been amended to recite the limitation of “...wherein the 3D motion is touch less with regard to a physical medium;...” Applicants can find nothing Stork that teaches the above limitation.

Stork teaches the use of a “writing surface 190 may be a plain piece of paper, a specially formatted document, or any other type of writing surface.” See col. 3, lines 8-11. Also see col. 3, lines 21-25: “Pen tip 180 and accelerometers 122, 123 and 124 are used to determine when the writing instrument is touching writing surface 190. In such an embodiment, only the strokes made when pen tip 180 is touching writing surface 190 are processed.” Thus, Stork does not teach or imply a touch less 3D motion sensing process with regard to a physical writing medium, as claimed in the present invention.

Since Stork fails to disclose each and every element claimed, applicant submits that the reason for the Examiner's rejection of claims 1, 16 and 20, as amended, has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 16 and 20.

With regard to the dependent claims 2-15, 17-19, 21-32 and 34 these claims ultimately depend from one of the independent claims, which have been shown to be allowable in view of the cited references. Accordingly, claims 2-15, 17-19, 21-32 and 34 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Thomas J. Onka", written over a horizontal line.

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